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No Replies to SC or HCs: Maharashtra

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Why in News

Recently, **both Houses of the Maharashtra State Legislature** have passed proposals stating that they **will not take cognizance of or reply to any notice sent by the High Court (HC) or the Supreme Court (SC) in the Breach of Privilege Motion** against a TV editor and anchor.

Key Points

- **Background:**
 - A Breach of Privilege Motion was moved in the State Assembly against the TV anchor, accused of using “**derogatory language**” and “**making baseless remarks**” against the Chief Minister of the State and “**frequently insulting**” Ministers and MPs during TV debates.
 - The anchor **filed a petition challenging the Breach of Privilege Motion** in the SC.
 - The **assistant secretary of the Assembly questioned this move** as well as **producing “confidential” communications** from the Speaker and the House Privileges Committee.
 - The **SC then issued a contempt notice** to the assistant secretary of the Assembly and also held that it might be “necessary in all probability to serve the Speaker” to know his version in matter.

- **Current Scenario and State Assembly's Stand:**
 - The House Speaker **initiated the motion of the Treasury benches** and cited **Article 194 of the Constitution**, which lays down the powers and privileges of the Houses of Legislatures, and **Article 212**, which pertains to courts not inquiring into proceedings of the legislature.
 - The proposals held that **replying to such notices could mean accepting that the judiciary can keep a check on the legislature** and would be inconsistent with the **Basic Structure of the Constitution**.
 - The proposals were **passed unanimously**, which stated that the Speaker and Deputy Speaker would not respond to any notice or summons issued by the SC.
 - The **Legislative Council also passed the proposal unanimously** and stated that **no cognizance will be taken of any notice or summons issued by the HC or SC**.
- **Reactions:**
 - Politicians have noted that the **notice was in exception to the language used in the letter and has not encroached in any way on the rights of the legislature** to legislate. If the legislature passes such a motion, it will set a wrong precedent.
 - Parliamentary Affairs Minister has held that the **proposal was limited to upholding the esteem of the Speaker's chair and ensuring that the presiding authority is safeguarded from judicial scrutiny** in matters of legislation.

Privilege Motion

- It is concerned with the **breach of parliamentary privileges** by a minister.
- **Breach of Privileges:**
 - Parliamentary Privileges are certain **rights and immunities enjoyed by members of Parliament, individually and collectively**, so that they can “effectively discharge their functions”.
 - When any of these rights and immunities are **disregarded**, the **offence is called a breach of privilege** and is **punishable** under law of Parliament.
 - A **notice is moved in the form of a motion by any member** of either House against those being held guilty of breach of privilege.
- **Role of the Speaker/Chair:**
 - The Speaker/Chair is the first level of scrutiny of a privilege motion.
 - The Speaker/Chair can decide on the privilege motion himself or herself or refer it to the privileges committee of Parliament. If the Speaker/Chair gives consent under relevant rules, the member concerned is given an opportunity to make a short statement.

- **Rules Governing Privilege:**

- **Rule 222 in Chapter 20** of the **Lok Sabha Rule Book** and correspondingly **Rule 187 in Chapter 16** of the **Rajya Sabha Rule Book** governs privilege.
- Rules say that a member may, with the consent of the Speaker or the Chairperson, raise a question involving a breach of privilege either of a member or of the House or a committee thereof.

Source: IE